

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.3755 OF 2004
IN
FIRST APPEAL NO.786 OF 2004

Madhuvihar Co.op. Hsg. Socy & Ors.. ..Applicants

Versus

M/s.Jayantilal Investments Respondents

Mr.M.K.Ghelani with Ms.V.Adwani for applicants

Mr.F.D'Vetri, Sr.counsel with Ms. K.A.Bhatia for
Respondents

CORAM : P.V.KAKADE, J.

DATE : 27th OCTOBER, 2004

P.C.:

1. Heard both sides.

2. At the outset it may be noted that both the parties
are in cross appeals against the Judgment and Order

passed by the Trial Court and this application is preferred seeking particulars on the ground that the Respondents-orig. defendants have referred to certain alleged subsequent events as well as fresh allegations pending the appeal to seek interim relief. In this regard it must be noted that both the Civil Applications made by both the parties to seek interim reliefs would be decided on merits on the basis of available evidence and subsequent events cannot be taken into account unless and until permission is granted by this Court by proper process to additional evidence at the stage of appeal contemplated by Order 41 Rule 27 of CPC. The learned counsel for the respondents submits that in his affidavit he has not referred to any subsequent events which aspect is disputed by the other side and therefore, that aspect will be taken into account independently but not in this application. In view of this position this application is stands disposed of without any order.